## BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

#### **MINUTES**

Regular Meeting

September 21, 2010

<u>Call to Order</u>. A regular meeting of the Stafford County Board of Supervisors was called to order by Mark Dudenhefer, Chairman, at 1:02 P. M., Tuesday, September 21, 2010, in the Board Chambers, Stafford County Administration Center.

Roll Call The following members were present: Mark Dudenhefer, Chairman; Paul V. Milde III, Vice Chairman; Harry E. Crisp II; Gary F. Snellings; Cord A. Sterling; Susan B. Stimpson; and Robert "Bob" Woodson.

Also in attendance were: Anthony Romanello, County Administrator; Joe Howard, County Attorney; Marcia Hollenberger, Chief Deputy Clerk; Pam Timmons, Deputy Clerk; associated staff and interested parties.

Mr. Dudenhefer began the meeting by announcing the retirement of Joe Howard, County Attorney and introduced Charles Shumate, who will begin employment as the new County Attorney on October 25, 2010.

Mr. Shumate thanked the Board for the opportunity to serve as County Attorney and also thanked Joe Howard and Anthony Romanello for their help since accepting the position.

Work Session: Schools; Preliminary Report on Adequate Yearly Progress (AYP) from Dr. Andre Nougaret Dr. Nougaret, Acting Superintendent of Schools, gave a presentation and updated the Board on AYP. He stated that 14 of 30 schools in the County achieved AYP in the 2009-2010 school year and most schools showed improvements in mathematics and reading.

Mr. Woodson inquired about economically disadvantaged students. Mr. Sterling asked about graduation rates and Mr. Snellings asked how many languages are used in the school system. Dr. Nougaret report that there are 45 languages used by students. He stated that the School Division was constantly looking for solutions to all of the above issues by teacher evaluation processes, improving the planning process, lower student/teacher ratios, and professional development, among other things.

Dr. Nougaret talked about refugee students and the impact of trying to integrate them into regular classrooms. He cited the example of some 17-year olds who, until their families moved to Stafford County, had never before been inside a classroom and the difficulties that presented. Mr. Snellings inquired about additional funding for refugees. Dr. Nougaret responded that funding is the same as for all English as a Second Language (ESL) students.

Mr. Woodson inquired if the refugee situation was unique to Stafford County and asked how it is being handled in Stafford and in other localities. Dr. Nougaret replied that everyone is struggling in that these students require more than ESL teachers to become acclimated and ultimately successful whether it be by graduation or by vocational and/or technical training. Mr. Dudenhefer asked if these students were counted in student/teacher ratios and Dr. Nougaret gave examples of how student/teacher ratios are computed. Out-reach to families of all students but especially ESL students, is particularly important.

Mr. Dudenhefer stated that the task is daunting and thanked Dr. Nougaret for coming to talk with the Board. Ms. Stimpson, a member of the Joint School Board/Board of

Supervisor's Committee, echoed Mr. Dudenhefer's comments and said that she wished that Dr. Nougaret would stay on permanently as Superintendent.

Work Session: Draft Comprehensive Plan - Quantico Impact Col. Dan Choike, Marine Corps Base Quantico, gave a presentation regarding the impact of the Comprehensive Plan on the Base. He concurred with much of the Plan with the exception of the Urban Development Area at Boswell's Corner. He felt that with the "Charlie Demo" range area that is used for many exercises that go "boom", the surrounding area would be greatly impacted.

Col. Choike talked about the Quantico Growth Management Committee (QGMC) and Base Realignment and Closure (BRAC) and the changing face of the Base community. A tabletop exercise was held on July 29, 2010 as part of working on Base integration with the community.

Mr. Sterling asked Col. Choike about using the Route 610 Corridor for a UDA as an alternate to Boswell's Corner. Col. Choike replied that he was not familiar enough with that possibility but will engage his staff and give an appropriate response as soon as possible.

Mr. Woodson talked about the Stafford Station/Aquia area (2<sup>nd</sup>-and 3<sup>rd</sup>-sections) stated that he didn't know if Col. Choike was aware of it or not but "Stafford Station – it used to be called the Widewater Plan – the citizens in Aquia Harbour, 2<sup>nd</sup> and 3<sup>rd</sup> sections, as well as the citizens in Widewater have been against that particular plan. Let me ask you, I see in the 5-mile radius that the Widewater Peninsula is not in the range, is that correct? But the Stafford Station Plan calls for a Widewater Parkway from Jefferson Davis Highway all the way out. Did you take that into consideration?" Col. Choike said that what Mr. Woodson was bringing up a little more detailed and that he looks forward to the opportunity to roll up his sleeves and look closer at issues in those areas.

Mr. Woodson asked in regards to Boswell's Corner – "When it was an RDA, that area was vetted by the citizens in the area and they had two or three meetings and they all

agreed on the concept and details as presented". In terms of the Boswell's Corner UDA, Mr. Woodson said that he believes that it is no longer an issue.

Mr. Dudenhefer thanked Col. Choike for taking time to address the Board.

<u>Economic and Fiscal Analyses – Dr. Fuller</u> Dr. Stephen Fuller, Professor of Public Policy at George Mason University, and Director of the Center for Regional Analysis, presented a draft of his residential and commercial analyses of the Comprehensive Plan. His analysis projected 20 years of commercial and residential growth based on population projections and 2009 costs. The net fiscal impact of the 2008 Plan is a loss of \$5 million; for the 2010 Plan the loss is \$1.1 million.

Dr. Fuller said that the difference between the two land-use plans was the number of townhouses. He examined three categories of housing: detached single-family, attached, and multifamily. Based on 2008 figures, each type of new housing costs money in services. Each townhouse costs the County approximately three times as much as a single-family home and more than an apartment or condominium.

Dr. Fuller stated that the County's economy could double in size over the next 20 years and create quality employment opportunities if the growth is managed properly. He suggested that dense, mixed-use developments with high-quality condominiums would likely be in demand.

Mr. Crisp asked how apartment are treated in Dr. Fuller's analysis. Dr. Fuller said that all multi-family units will be included. Mr. Crisp inquired about land designated as agricultural and asked for a definition of the term, "other", in Dr. Fuller's report. Dr. Fuller said that flex buildings, warehouses, construction sites and butler type buildings were included in the "other" category. Mr. Crisp asked for a detailed roadmap of how Dr. Fuller arrived at the conclusions presented in his final report.

Mr. Milde talked about land-use designation of Agricultural and asked that Dr. Fuller's final report take into account the balance of general revenue v. the cost of services.

Mr. Woodson asked when the complete report would be available. Dr. Fuller stated that his complete report will be finalized in approximately the next few weeks-"could be finalized within two weeks; it depends on how many more times we change the numbers, but it isn't too far off." Mr. Woodson said, "So Board members could have the report in two weeks?" Dr. Fuller responded that "It could be in two weeks – the middle of October"... Mr. Woodson asked "Are you willing to come back after we receive this report and review it?" Dr. Fuller stated that he would be willing to return at a future date to address the Board. Dr. Fuller concluded his report saying that he was more optimistic about Stafford's economy than other localities in the northern Virginia region due to the connection to the I-95, north/south, corridor and the southern swing away from I-66 and the Dulles corridor, and that the biggest challenge in the future is going to be finding skilled workers to do the jobs.

Recess At 3:17 P.M., the Chairman declared a recess.

<u>Call to Order</u> At 3:30 P.M., the Chairman called the meeting back to order.

Mr. Howard reported that there were two additions to the closed meeting agenda.

<u>Legislative</u>; <u>Closed Meeting</u> At 3:30 p.m. Mr. Sterling motioned, seconded by Ms. Stimpson, to adopt proposed Resolution CM10-22.

The Voting Board tally was:

Yea: (7) Sterling, Stimpson, Crisp, Dudenhefer, Milde, Snellings, Woodson

Nay: (0)

#### Resolution CM10-22 reads as follows:

#### A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to discuss in Closed Meeting Legal Advice regarding (1) Comprehensive Plan Legal Issues; (2) Pending Litigation in DGF Land Co., et al v. Board of Zoning Appeals and Board of Supervisors et al v. DGF Land et al.; (3) Cash Proffer Legislation and Opinion of the Attorney General; and (4) Economic Development matter regarding a Potential Business or Industry Prospect Where No Public Announcement Has Been Made of the Business' or Industry's interest in locating in Stafford County; and

WHEREAS, pursuant to Section 2.2-3711 A.5 and A.7, Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of September, 2010, does hereby authorize discussions of the aforestated matters in Closed Meeting.

<u>Call to Order</u> At 4:16 p.m., the Chairman called the meeting back to order.

<u>Legislative</u>; Closed Meeting Certification Ms. Stimpson motioned, seconded by Mr. Crisp, to adopt proposed Resolution CM10-22a.

## The Voting Board tally was:

Yea:	(6)	Stimpson, Crisp, Dudenhefer, Milde, Snellings, Woodson
Nay:	(0)	
Absen	t: (1)	Sterling

#### Resolution CM10-22(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON SEPTEMBER 21, 2010

WHEREAS, the Board has, on this the 21<sup>st</sup> day of September, 2010 adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 21<sup>st</sup> day of September, 2010, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Mr. Snellings motioned, seconded by Mr. Crisp, to adopt proposed Resolution R10-308.

## The Voting Board tally was:

Yea: (6) Snellings, Crisp, Dudenhefer, Milde, Stimpson, Woodson

Nay: (0)

Absent: (1) Sterling

### Resolution R10-308 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE FUNDS FROM THE TOURISM FUND AND THE STAFFORD OPPORTUNITY FUND FOR THE PURPOSE OF SUPPORTING ECONOMIC DEVELOPMENT

WHEREAS, the County seeks to encourage economic development; and

WHEREAS, the County has developed a strategy to attract and retain commercial ventures;

NOW, THEREFORE, BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of September, 2010, that the County Administrator be and hereby is authorized to budget and appropriate Thirty-three Thousand Three hundred Thirty-three Dollars (\$33,333) from the Tourism Fund and Thirty-three Thousand Three Hundred Thirty-three Dollars (\$33,333) from the Stafford Opportunity Fund for the purpose of supporting economic development; and

BE IT FURTHER RESOLVED, that the County Administrator be and he hereby is directed to transfer the funds to the Economic Development Authority when certain performance measures are met.

<u>Comprehensive Plan Update</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions.

Mr. Sterling motioned to adopt proposed Resolution R10-306. Discussion ensued. Mr. Sterling withdrew his motion.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolution R10-306 with changes. Discussion ensued. Mr. Milde withdrew his motion.

Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution R10-306 with changes.

Mr. Snellings stated that he owns property in a proposed Urban Development Area (UDA) and is seeking a written opinion from the Commonwealth's Attorney as whether

that he should abstain from voting. Mr. Milde stated that he owns several pieces of property in the UDAs but that he received different advice and would not abstain from voting.

The Voting Board tally was:

Yea: (4) Dudenhefer, Milde, Sterling, Stimpson

Nay: (2) Crisp, Woodson

Abstain: (1) Snellings

## Resolution R10-306 reads as follows:

A RESOLUTION IN ACCORDANCE WITH § 15.2-2229 OF THE CODE OF VIRGINIA (1950) AS AMENDED, DIRECTING THE STAFFORD COUNTY PLANNING COMMISSION ("COMMISSION") TO PREPARE **EXISTING** STAFFORD **AMENDMENTS** TO THE COUNTY ("EXISTING PLAN"), COMPREHENSIVE PLAN SUBMIT **SAID** AMENDMENTS TO PUBLIC HEARING, AND PROVIDE THE COMMISSION'S RECOMMENDATIONS TO THE BOARD ON SAID AND FURTHER DIRECTING THE COUNTY AMENDMENTS. ADMINISTRATOR TO SUBMIT A COPY OF THIS RESOLUTION TO THE COMMISSION

WHEREAS, under § 15.2-2229 of the Code of Virginia (1950) as amended, the Board may amend the Comprehensive Plan; and

WHEREAS, a joint committee of the Board and the Commission, and the Commission itself, under the direction of the Board, all with the assistance of County staff, has been considering and evaluating possible amendments to the Plan for several months, including the adoption of a new Plan and the corresponding repeal of the Existing Plan; and

WHEREAS, the latest version of the draft Plan (dated September 10, 2010), under cover memorandum dated September 15, 2010, from Jeffrey A. Harvey, AICP, Director of Planning and Zoning, has been delivered to the Board for its consideration of whether said draft Plan should be adopted and whether, in conjunction with the adoption of the draft Plan, the existing Plan should be repealed; and

WHEREAS, the Board desires that the Commission prepare and submit to public hearing the amendments to the Plan contained in the draft Plan dated September 10, 2010, including, but not limited to, the designation of Urban Development Areas as required by § 15.2-2223.1 of the Code of Virginia (1950), as amended, amendments relating to the Urban Services Area, the establishment of Redevelopment Areas, amendments to the Future Land Use Map, and any other textual and Plan changes the Commission may deem appropriate, necessary, and proper, and to also include in that

public hearing, in conjunction with its consideration of the foregoing amendments, whether the Existing Plan should be repealed; and

WHEREAS the Board, pursuant to § 15.2-2229 of the Code of Virginia (1950) as amended, wishes to direct the Commission to conduct its public hearing on the aforesaid amendments to the Plan, and provide the Board with its recommendations within 60 days of the Commission's receipt of a copy of this Resolution; and

WHEREAS the Board wishes to direct the County Administrator to submit forthwith submit a copy of this resolution to the Commission as the Board's written request directing the Commission to prepare the aforesaid amendments, submit them to public hearing, and present the Commission's recommendations to the Board in accordance with this resolution;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 21st day of September 2010, be and it hereby directs the Commission to prepare and submit to public hearing amendments to the Existing Plan that include, but are not necessarily limited to, the amendments to the Existing Plan contained in the draft Plan dated September 10, 2010, including, but not limited to, the designation of Urban Development Areas as required by § 15.2-2223.1 of the Code of Virginia (1950), as amended, amendments relating to the Urban Services Area, the establishment of Redevelopment Areas, amendments to the Future Land Use Map; and any other textual and Plan changes the Commission may deem appropriate, necessary, and proper; and whether the existing Plan should be repealed; and

BE IT FURTHER RESOLVED that the Commission is hereby directed to submit the aforesaid amendments to public hearing and provide the Board with its recommendations within 60 days after the Commission's receipt of a copy of this Resolution; and

BE IT STILL FURTHER RESOLVED that the County Administrator is hereby directed to submit forthwith a copy of this Resolution to the Commission as the Board's written request under § 15.2-2229 of the Code of Virginia (1950), as amended, directing the Commission to prepare the aforesaid amendments, submit them to public hearing, and present the Commission's recommendations to the Board within 60 days after the Commission's receipt of a copy of this Resolution.

BE IT STILL FURTHER RESOLVED, that the Board requests the Planning Commission, in reviewing and making adjustments to the Plan, incorporate the following information:

- 1) In the Brooke Station Urban Development Area (UDA) text, clarify that all of the residential development associated with that UDA shall be tied to the retiring of development rights on land generally east of Brooke Station and the CSX rail line.
- 2) On Page 3-17, regarding the recommendation that 7 percent of units in UDAs occur as a result of Transfer of Development Rights, clarify the language to say "should" instead of "may" on the first line of the fifth paragraph on that page.

- 3) Request a review of the mix of housing in relation to Dr. Fuller's analysis and make adjustments they deem appropriate to enhance the fiscal element of the Comprehensive Plan.
- 4) Request that the build-out reflect what is recommended in the Plan and not assume something different than what the Plan states, specifically relating to the 14,661 dwelling units that are recommended in the UDAs.
- 5) In the Suburban Land Use designation, request the recommended residential density be reduced from 3 dwelling units per acre to 1.5 dwelling units per acre.

Recess At 5:08 P.M., the Chairman declared a recess.

Call to Order At 5:15 P.M., the Chairman called the meeting back to order.

<u>Work Session: FY2010 Preliminary (Unaudited) Financial Results</u> Ms. Maria Perrotte, Chief Financial Officer gave a presentation and answered Board members questions.

Mr. Sterling stated that he did not want to let the FY2010 surplus go lightly, that while other localities are going bankrupt, Stafford County had a surplus, a huge achievement in this economic climate.

Mr. Crisp agreed adding that this is the culmination of three years of hard work, reduced expenses, and focusing on absolute needs while deferring what we didn't need to spend. Mr. Dudenhefer echoed what Mr. Crisp and Mr. Sterling said noting that "we should have Fox News here to report on this accomplishment"!

Mr. Romanello reminded the Board that they are ultimately responsible, by their decisions and votes, along with the County's dedicated staff, for achieving this surplus.

Work Session: Planning and Zoning / County Attorney; Transfer of Development Rights (TDR) Mr. Joe Howard, County Attorney and Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Discussion ensued.

Mr. Milde stated that he is happy to work with the Planning Commission on a further study of TDR. Ms. Stimpson said that she agrees with sending the ordinance to the

Planning Commission for further study but it does not mean that she agrees with everything being presented.

Mr. Woodson asked that Mr. Howard provide additional information on sending and receiving areas regarding proffers. Mr. Howard agreed to do additional research and provide information at a later date. Mr. Woodson inquired about the cost to build a road. Mr. Sterling responded that it is impossible to offer an accurate cost assessment due to topography, length and width of the road, property acquisition, etc.

Ms. Stimpson motioned to call the question.

The Voting Board tally was:

Yea: (6) Stimpson, Crisp, Dudenhefer, Milde, Snellings, Sterling

Nay: (1) Woodson

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolutions R10-296, R10-297, R10-298 and R10-299.

The Voting Board tally was:

Yea: (4) Milde, Sterling, Dudenhefer, Stimpson

Nay: (3) Crisp, Snellings, Woodson

## Resolution R10-296 reads as follows:

A RESOLUTION TO REFER CODE AMENDMENTS TO THE PLANNING COMMISSION REGARDING STAFFORD COUNTY CODE, SECTION 28-25, "DEFINITIONS," AND ARTICLE XX, "TRANSFER OF DEVELOPMENT RIGHTS"

WHEREAS, under Virginia Code §§ 15.2-2316.1 and 15.2-2316.2, the Board may adopt a transfer of development rights ordinance and establish a transfer of development rights program; and

WHEREAS, the Board desires to amend the Stafford County Code to adopt a transfer of development rights ordinance and establish a transfer of development rights program; and

WHEREAS, the Board finds that such an ordinance conserves and promotes the public health, safety, and general welfare; and

WHEREAS, the Board believes that public necessity, convenience, general welfare, and good zoning practices require adoption of the proposed amendment; and

WHEREAS, Section 15.2-2286, VA Code Ann., authorizes the Board to initiate an amendment to the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of September, 2010, that the Planning Commission be and it hereby is requested to consider amendments to Stafford County Code, Section 28-25, entitled "Definitions of Specific Terms" and Article XX, entitled "Transfer of Development Rights" by proposed Ordinance 010-55; and

BE IT FURTHER RESOLVED that the Planning Commission be and it hereby is authorized to make modifications to the proposed ordinance as it deems necessary.

### Resolution R10-297 reads as follows:

A RESOLUTION TO REFER COMPREHENSIVE PLAN AMENDMENTS TO THE PLANNING COMMISSION REGARDING THE ESTABLISHMENT OF SENDING AND RECEIVING AREAS FOR THE TRANSFER OF DEVELOPMENT RIGHTS PROGRAM

WHEREAS, under Virginia Code §§ 15.2-2316.1 and 15.2-2316.2, the Board may adopt a transfer of development rights ordinance and establish a transfer of development rights program; and

WHEREAS, the Board desires to amend the Stafford County Code to adopt a transfer of development rights ordinance and establish a transfer of development rights program; and

WHEREAS, the Board finds that such an ordinance conserves and promotes the public health, safety, and general welfare; and

WHEREAS, Virginia Code Section 15.2-2316.1, VA Code Ann., requires that sending and receiving areas for a transfer of development rights program must be designated in the comprehensive plan; and

WHEREAS, the Board believes that public necessity, convenience, general welfare, and good planning and zoning practices require adoption of the proposed comprehensive plan amendments; and

WHEREAS, Section 15.2-2229, VA Code Ann., authorizes the Board to initiate an amendment to the comprehensive plan;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of September, 2010, that the Planning Commission be and it hereby is requested to consider amendments to Stafford County Comprehensive Plan to establish sending and receiving areas for the Transfer of Development Rights Program by proposed Ordinance 010-55; and

BE IT FURTHER RESOLVED that the Planning Commission be and it hereby is authorized to make modifications to the proposed comprehensive plan amendments as it deems necessary.

## Resolution R10-298 reads as follows:

A RESOLUTION TO REFER ZONING MAP AMENDMENTS TO THE PLANNING COMMISSION REGARDING STAFFORD COUNTY TRANSFER OF DEVELOPMENT RIGHTS PROGRAM

WHEREAS, under Virginia Code §§ 15.2-2316.1 and 15.2-2316.2, the Board may adopt a transfer of development rights ordinance and establish a transfer of development rights program; and

WHEREAS, the Board desires to amend the Stafford County Code to adopt a transfer of development rights ordinance and establish a transfer of development rights program; and

WHEREAS, the Board finds that such an ordinance conserves and promotes the public health, safety, and general welfare; and

WHEREAS, Virginia Code Section 15.2-2316.2 requires that the zoning map identify sending and receiving areas pursuant to the transfer of development rights ordinance and the comprehensive plan; and

WHEREAS, the Board believes that public necessity, convenience, general welfare, and good zoning practices require adoption of the proposed map amendment; and

WHEREAS, Section 15.2-2286 VA Code ann., authorizes the Board to initiate an amendment to the zoning map;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of September, 2010, that the Planning Commission be and it hereby is requested to consider amendments to the Stafford County Zoning Map to identify sending and receiving areas under the Transfer of Development Rights Program by proposed Ordinance 010-55; and

BE IT FURTHER RESOLVED that the Planning Commission be and it hereby is authorized to make modifications to the proposed map amendment as it deems necessary.

#### Resolution R10-299 reads as follows:

A RESOLUTION TO REFER CODE AMENDMENTS TO THE PLANNING COMMISSION REGARDING STAFFORD COUNTY CODE, SECTIONS \_\_\_\_\_ FOR ZONING DISTRICTS \_\_\_\_ REGARDING DENSITY ALLOCATIONS UNDER THE "TRANSFER OF DEVELOPMENT RIGHTS PROGRAM"

WHEREAS, under Virginia Code §§ 15.2-2316.1 and 15.2-2316.2, the Board may adopt a transfer of development rights ordinance and establish a transfer of development rights program; and

WHEREAS, the Board desires to amend the Stafford County Code to adopt a transfer of development rights ordinance and establish a transfer of development rights program; and

WHEREAS, the Board finds that such an ordinance conserves and promotes the public health, safety, and general welfare; and

WHEREAS, the Board finds that the density allowed in Zoning Districts \_\_\_\_\_\_ needs to be modified to be consistent with the transfer of development rights program; and

WHEREAS, the Board believes that public necessity, convenience, general welfare, and good zoning practices require adoption of the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of September, 2010, that the Planning Commission be and it hereby is requested to consider amendments to Stafford County Code, Sections \_\_\_\_\_\_ for Zoning Districts \_\_\_\_\_\_ to modify the density allowed in connection with the Transfer of Development Rights Program by proposed Ordinance 010-55; and

BE IT FURTHER RESOLVED that the Planning Commission be and it hereby is authorized to make modifications to the proposed ordinance as it deems necessary.

(Note: Blanks on the above resolution will be completed by Planning Commission upon their review of R10-299.)

Work Session: George Washington Toll Authority This item was deferred to a future Board meeting.

<u>Work Session: Economic Development Ten Point Plan Update</u> This item was deferred to a future Board meeting.

Recess At 5:53 P.M., the Chairman declared a recess until 7:00 P.M.

<u>Call to Order</u> At 7:00 P.M., the Chairman called the meeting back to order.

Invocation Mr. Crisp gave the Invocation.

<u>Pledge of Allegiance</u> Mr. Milde led the Pledge of Allegiance to the Flag of the United States of America.

## Legislative; Presentations by the Public

The following persons desired to speak:

Kathy Rivers - Mountain View Road project

Michael Gustov - Pump and Haul

Dean Fetterolf - Comprehensive Plan

Kay Dudenhefer - Mountain View Road project

Heather Stefl - Comprehensive Plan

Ruth Carlone - Comprehensive Plan

Patricia Kurpiel - Comprehensive Plan

Helen Stone - Stafford growth and spending

Joint Public Hearing – VDOT/Public Works; Adopt the Virginia Department of Transportation (VDOT) FY2011-FY2016 Secondary System Six-Year Improvement Program (SSYP) Mr. Michael Neuhard, Deputy County Administrator; and Mr. Scott Shropshire, Acting Area Maintenance Manager; gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Sterling, to adopt proposed Resolution R10-245.

The Voting Board tally was:

Yea: (7) Milde, Sterling, Crisp, Dudenhefer, Snellings, Stimpson, Woodson

Nay: (0)

## Resolution R10-245 reads as follows:

A RESOLUTION TO ADOPT THE VIRGINIA DEPARTMENT OF TRANSPORTATION FY2011-FY2016 SIX-YEAR SECONDARY ROAD IMPROVEMENT PROGRAM

WHEREAS, pursuant to Section 33.1-70.01 of the Code of Virginia (1950), as amended, the Board and representatives of the Virginia Department of Transportation have conducted a public hearing for the proposed FY2011-FY2016 Secondary Six-Year Improvement Program; and

WHEREAS, the Board has considered the testimony received at the public hearing and the recommendations of staff;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of September, 2010, that the FY2011-FY2016 Six-Year Secondary Road Improvement Program be and it hereby is adopted; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the VDOT Residency Administrator.

Sheriff / County Attorney; Amend and Reordain Stafford County Code, Chapter 4, "Amusements"; Chapter 5, "Animals and Fowl"; and Chapter 17, "Noise" Mr. Joe Howard, County Attorney gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following person desired to speak:

Heather Stefl

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Milde, to defer this item to the October 5<sup>th</sup> Board meeting. Mr. Sterling requested that information from trash haulers be provided at that time.

The Voting Board tally was:

Yea: (7) Sterling, Milde, Crisp, Dudenhefer, Snellings, Stimpson, Woodson

Nay: (0)

<u>Utilities</u>; <u>Authorize Condemnation and Exercise Quick-Take Powers to Acquire Easements on Multiple Properties in Connection with the Falls Run Phase I Sewer Project</u> Mr. Harry Critzer, Director of Utilities; and Mr. Jason Pauley, Utilities Construction Project Administrator; gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following persons desired to speak:

Christopher Jamison

**Bob Burr** 

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Ms. Stimpson, to adopt proposed Resolution R10-165.

The Voting Board tally was:

Yea: (6) Stimpson, Milde, Crisp, Dudenhefer, Snellings, Sterling

Nay: (1) Woodson

## Resolution R10-165 reads as follows:

A RESOLUTION TO AUTHORIZE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE EASEMENTS ON A PORTION OF THE PROPERTY OF TRAVEL TIME OF VIRGINIA LTD, TAX MAP PARCEL 45-97B, IN CONNECTION WITH THE FALLS RUN SEWER INTERCEPTOR REPLACEMENT PROJECT

WHEREAS, the 2006 Water and Sewer Master Plan recommends construction of a new sewer line from the Falls Run Pump Station following along Falls Run up to and including a crossing of I-95 to replace an older failing sewer, an approved public use; and

WHEREAS, the Board has approved and is in the process of acquiring the necessary easements for the construction of the Falls Run Sewer Interceptor; and

WHEREAS, Tax Map Parcel 45-97B consists of approximately 18.840 acres of land, owned by Travel Time of Virginia LTD (the "Property Owner"); and

WHEREAS, because the design for the project requires installation of the sewer interceptor and clearing and grading of approximately 0.505 acres for a temporary

construction easement and 0.9625 acres for a permanent sewer easement on Tax Map Parcel 45-97B (the "Property"), the Board must acquire easements on the Property; and

WHEREAS, the fair market value for the easement areas of the Property, together with damages, if any, to the remainder of the Property is Fifteen Thousand Dollars (\$15,000), based upon the 2010 tax assessed value; and

WHEREAS, the Board, through its consulting negotiator, has made a bona fide but ineffectual effort to purchase the easement areas of the Property by offering said determination of value on behalf of the County to the Property Owner; and

WHEREAS, the terms of purchase cannot be agreed upon and the County's consulting negotiator has been unsuccessful in negotiating a final settlement with the Property Owner, but will continue to work with the Property Owner to attempt to reach an acceptable settlement; and

WHEREAS, the Board has conducted a public hearing in accordance with Sections 15.2-1903(B) and 15.2-1905(C), Va. Code Ann., to determine the necessity for condemnation and the use of the County's quick-take powers and has carefully considered the recommendations of staff and the testimony, if any, at the public hearing; and

WHEREAS, the Board declares its intent to use its quick-take powers to enter and take the above-referenced 0.505 acres of temporary construction easement and 0.9625 acres of permanent sewer easement on Tax Map Parcel 45-97B;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 21<sup>st</sup> day of September, 2010, that the Board be and it hereby does find that public necessity exists for the Board's easement ownership of the Property to complete construction and begin operation of the Falls Run Sewer Interceptor, an approved public use to meet the County's sewer demand needs; and

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board's bona fide offer of \$15,000 as just compensation for the Property, including damages, if any, to the remainder of the Property, that the Board and the Property Owner cannot agree on compensation to be paid or on other terms of purchase and settlement; and

BE IT FURTHER RESOLVED that the Board determines it is necessary to do so and herby declares its intent to exercise the County's quick-take powers to enter upon and immediately acquire the Property for construction and operation of the Falls Run Sewer Interceptor, under the provisions of Sections 15.2-1903(B) and 15.2-1905(C), Va. Code Ann; and

BE IT STILL FURTHER RESOLVED that the Stafford County Board of Supervisors does hereby authorize the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and Director of Finance and Budget, or their designees, to sign the Certificate and to deposit Fifteen Thousand Dollars (\$15,000), with the Clerk of the Stafford County Circuit Court,

for the Property Owner's benefit, before entering and taking possession of the Property in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law.

Mr. Milde motioned, seconded by Ms. Stimpson, to adopt proposed Resolution R10-168.

## The Voting Board tally was:

Yea: (7) Milde, Stimpson, Crisp, Dudenhefer, Snellings, Sterling, Woodson

Nay: (0)

## Resolution R10-168 reads as follows:

A RESOLUTION TO AUTHORIZE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE EASEMENTS ON A PORTION OF THE PROPERTY OF HENRY E. ARCHIE AND DIANE DEAN ARCHIE, TAX MAP PARCEL 45D-2-A-10, IN CONNECTION WITH THE FALLS RUN SEWER INTERCEPTOR REPLACEMENT PROJECT

WHEREAS, the 2006 Water and Sewer Master Plan recommends construction of a new sewer line from the Falls Run Pump Station following along Falls Run up to and including a crossing of I-95 to replace an older failing sewer, an approved public use; and

WHEREAS, the Board has approved and is in the process of acquiring the necessary easements for the construction of the Falls Run Sewer Interceptor; and

WHEREAS, Tax Map Parcel 45D-2-A-10 consists of approximately 1.000 acre of land, owned by Henry E. Archie and Diane Dean Archie (the "Property Owners"); and

WHEREAS, because the design for the project requires installation of the sewer interceptor and clearing and grading of approximately 0.052 acres for a temporary construction easement and 0.0367 acres for a permanent sewer easement on Tax Map Parcel 45D-2-A-10 (the "Property"), the Board must acquire easements on the Property; and

WHEREAS, the fair market value for the easement areas of the Property, together with damages, if any, to the remainder of the Property is One Thousand Four Hundred Dollars (\$1,400), based upon the 2010 tax assessed value; and

WHEREAS, the Board, through its consulting negotiator, has made a bona fide but ineffectual effort to purchase the easement areas of the Property by offering said determination of value on behalf of the County to the Property Owners; and

WHEREAS, the terms of purchase cannot be agreed upon and the County's consulting negotiator has been unsuccessful in negotiating a final settlement with the Property Owners, but will continue to work with the Property Owners to attempt to reach an acceptable settlement; and

WHEREAS, the Board has conducted a public hearing in accordance with Sections 15.2-1903(B) and 15.2-1905(C), Va. Code Ann., to determine the necessity for condemnation and the use of the County's quick-take powers and has carefully considered the recommendations of staff and the testimony, if any, at the public hearing; and

WHEREAS, the Board declares its intent to use its quick-take powers to enter and take the above-referenced 0.052 acres of temporary construction easement and 0.0367 acres of permanent sewer easement on Tax Map Parcel 45D-2-A-10;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 21<sup>st</sup> day of September, 2010, that the Board be and it hereby does find that public necessity exists for the Board's easement ownership of the Property to complete construction and begin operation of the Falls Run Sewer Interceptor, an approved public use to meet the County's sewer demand needs; and

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board's bona fide offer of \$1,400 as just compensation for the Property, including damages, if any, to the remainder of the Property, that the Board and the Property Owners cannot agree on compensation to be paid or on other terms of purchase and settlement; and

BE IT FURTHER RESOLVED that the Board determines it is necessary to do so and herby declares its intent to exercise the County's quick-take powers to enter upon and immediately acquire the Property for construction and operation of the Falls Run Sewer Interceptor, under the provisions of Sections 15.2-1903(B) and 15.2-1905(C), Va. Code Ann; and

BE IT STILL FURTHER RESOLVED that the Board does hereby authorize the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and Director of Finance and Budget, or their designees, to sign the Certificate and to deposit One Thousand Four Hundred Dollars (\$1,400), with the Clerk of the Stafford County Circuit Court, for the Property Owners' benefit, before entering and taking possession of the Property in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law.

Mr. Milde motioned, seconded by Ms. Stimpson, to adopt proposed Resolution R10-169.

The Voting Board tally was:

Yea: (7) Milde, Stimpson, Crisp, Dudenhefer, Snellings, Sterling, Woodson

Nay: (0)

Resolution R10-169 reads as follows:

A RESOLUTION TO AUTHORIZE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE EASEMENTS ON A PORTION OF THE PROPERTY OF JAMISON PROPERTIES, LLC, TAX MAP PARCEL 45D-2-A-13, IN CONNECTION WITH THE FALLS RUN SEWER INTERCEPTOR REPLACEMENT PROJECT

WHEREAS, the 2006 Water and Sewer Master Plan recommends construction of a new sewer line from the Falls Run Pump Station following along Falls Run up to and including a crossing of I-95 to replace an older failing sewer, an approved public use; and

WHEREAS, the Board has approved and is in the process of acquiring the necessary easements for the construction of the Falls Run Sewer Interceptor; and

WHEREAS, Tax Map Parcel 45D-2-A-13 consists of approximately 1.000 acre of land, owned by Jamison Properties, LLC (the "Property Owner"); and

WHEREAS, because the design for the project requires installation of the sewer interceptor and clearing and grading of approximately 0.033 acres for a temporary construction easement and 0.0068 acres for a permanent sewer easement on Tax Map Parcel 45D-2-A-13 (the "Property"), the Board must acquire easements on the Property; and

WHEREAS, the fair market value for the easement areas of the Property, together with damages, if any, to the remainder of the Property is Five Hundred Dollars (\$500), based upon the 2010 tax assessed value; and

WHEREAS, the Board, through its consulting negotiator, has made a bona fide but ineffectual effort to purchase the easement areas of the Property by offering said determination of value on behalf of the County to the Property Owner; and

WHEREAS, the terms of purchase cannot be agreed upon and the County's consulting negotiator has been unsuccessful in negotiating a final settlement with the Property Owner, but will continue to work with the Property Owner to attempt to reach an acceptable settlement; and

WHEREAS, the Board has conducted a public hearing in accordance with Sections 15.2-1903(B) and 15.2-1905(C), Va. Code Ann., to determine the necessity for condemnation and the use of the County's quick-take powers and has carefully considered the recommendations of staff and the testimony, if any, at the public hearing; and

WHEREAS, the Board declares its intent to use its quick-take powers to enter and take the above-referenced 0.033 acres of temporary construction easement and 0.0068 acres of permanent sewer easement on Tax Map Parcel 45D-2-A-13;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this 21<sup>st</sup> day of September, 2010, that the Board be and it hereby does find that public necessity exists for the Board's easement ownership of the Property to

complete construction and begin operation of the Falls Run Sewer Interceptor, an approved public use to meet the County's sewer demand needs; and

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board's bona fide offer of \$500 as just compensation for the Property, including damages, if any, to the remainder of the Property, that the Board and the Property Owner cannot agree on compensation to be paid or on other terms of purchase and settlement; and

BE IT FURTHER RESOLVED that the Board determines it is necessary to do so and herby declares its intent to exercise the County's quick-take powers to enter upon and immediately acquire the Property for construction and operation of the Falls Run Sewer Interceptor, under the provisions of Sections 15.2-1903(B) and 15.2-1905(C), Va. Code Ann; and

BE IT STILL FURTHER RESOLVED that the Board does hereby authorize the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and Director of Finance and Budget, or their designees, to sign the Certificate and to deposit Five Hundred Dollars (\$500), with the Clerk of the Stafford County Circuit Court, for the Property Owner's benefit, before entering and taking possession of the Property in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law.

Mr. Milde motioned, seconded by Ms. Stimpson, to adopt proposed Resolution R10-203.

The Voting Board tally was:

Yea: (7) Milde, Stimpson, Crisp, Dudenhefer, Snellings, Sterling, Woodson

Nay: (0)

## Resolution R10-203 reads as follows:

A RESOLUTION TO AUTHORIZE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE AN EASEMENT ON A PORTION OF THE PROPERTY OF JOHN C. LAFLEY AND KAREN V. LAFLEY, TAX MAP PARCEL 53A-1-5B, IN CONNECTION WITH THE FALLS RUN SEWER INTERCEPTOR REPLACEMENT PROJECT

WHEREAS, the 2006 Water and Sewer Master Plan recommends construction of a new sewer line from the Falls Run Pump Station following along Falls Run up to and including a crossing of I-95 to replace an older failing sewer, an approved public use; and

WHEREAS, the Board has approved and is in the process of acquiring the necessary easements for the construction of the Falls Run Sewer Interceptor; and

WHEREAS, Tax Map Parcel 53A-1-5B consists of approximately 0.293 acres of land, owned by John C. Lafley and Karen V. Lafley (the "Property Owners"); and

WHEREAS, because the design for the project requires installation of the sewer interceptor and clearing and grading of approximately 0.0236 acres for a permanent sewer easement on Tax Map Parcel 53A-1-5B (the "Property"), the Board must acquire easements on the Property; and

WHEREAS, the fair market value for the easement area of the Property, together with damages, if any, to the remainder of the Property is One Thousand Six Hundred Dollars (\$1,600), based upon the 2010 tax assessed value; and

WHEREAS, the Board, through its consulting negotiator, has made a bona fide but ineffectual effort to purchase the easement area of the Property by offering said determination of value on behalf of the County to the Property Owners; and

WHEREAS, the terms of purchase cannot be agreed upon and the County's consulting negotiator has been unsuccessful in negotiating a final settlement with the Property Owners, but will continue to work with the Property Owners to attempt to reach an acceptable settlement; and

WHEREAS, the Board has conducted a public hearing in accordance with Sections 15.2-1903(B) and 15.2-1905(C), Va. Code Ann., to determine the necessity for condemnation and the use of the County's quick-take powers and has carefully considered the recommendations of staff and the testimony, if any, at the public hearing; and

WHEREAS, the Board declares its intent to use its quick-take powers to enter and take the above-referenced 0.0236 acres of permanent sewer easement on Tax Map Parcel 53A-1-5B; and

NOW, THEREFORE, BE IT RESOLVED BY THE Stafford County Board of Supervisors on this 21<sup>st</sup> day of September, 2010, that the Board be and it hereby does find that public necessity exists for the Board's easement ownership of the Property to complete construction and begin operation of the Falls Run Sewer Interceptor, an approved public use to meet the County's sewer demand needs;

BE IT FURTHER RESOLVED that the Board determines, notwithstanding the Board's bona fide offer of \$1,600 as just compensation for the Property, including damages, if any, to the remainder of the Property, that the Board and the Property Owners cannot agree on compensation to be paid or on other terms of purchase and settlement; and

BE IT FURTHER RESOLVED that the Board determines it is necessary to do so and herby declares its intent to exercise the County's quick-take powers to enter upon and immediately acquire the Property for construction and operation of the Falls Run Sewer Interceptor, under the provisions of Sections 15.2-1903(B) and 15.2-1905(C), Va. Code Ann; and

BE IT STILL FURTHER RESOLVED that the Board does hereby authorize the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and Director of Finance and Budget, or their designees, to sign the Certificate and to deposit One Thousand Six Hundred Dollars (\$1,600), with the Clerk of the Stafford County Circuit Court, for the Property Owners' benefit, before entering and taking possession of the Property in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law.

Ms. Stimpson motioned, seconded by Mr. Milde, to defer proposed Resolution R10-205 to the October 5<sup>th</sup> Board meeting.

The Voting Board tally was:

Yea: (7) Milde, Stimpson, Crisp, Dudenhefer, Snellings, Sterling, Woodson

Nay: (0)

Planning and Zoning; Amend and Reordain Stafford County Code, Section 22-4, "Definitions" of the Subdivision Ordinance and Section 28-25, "Definitions of Specific Terms" of the Zoning Ordinance Mr. Jeff Harvey, Director of Planning and Zoning gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Snellings motioned, seconded by Mr. Woodson, to adopt proposed Ordinance O10-38.

The Voting Board tally was:

Yea: (7) Crisp, Sterling, Dudenhefer, Milde, Snellings, Stimpson, Woodson

Nay: (0)

## Ordinance O10-38 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 22-4, "DEFINITIONS," AND SECTION 28-25, "DEFINITIONS OF SPECIFIC TERMS"

WHEREAS, the Virginia Code was amended, changing the definition of "immediate family," requiring the amendment of the definition of "immediate family member" in Stafford County Code, Section 22-4 and Section 28-25; and

WHEREAS, the Board has considered the recommendations of staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of September, 2010, that Stafford County Code, Section 22-4, entitled "Definitions," and Section 28-5, entitled "Definitions of specific terms," be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

#### Sec. 22-4. - Definitions.

*Family, immediate member*: Any person who is a natural or legally defined offspring, stepchild, spouse, <u>family member's spouse</u>, sibling, grandchild, grandparent or parent of the owner of a parcel.

## Sec. 28-25. – Definitions of specific terms.

Family, immediate member: Any person who is a natural or legally defined offspring, stepchild, spouse, family member's spouse, sibling, parent, grandchild, or grandparent of the owner of a parcel.

State law references: Virginia Code §§ 15.2-2244 and 15.2-2244.1.

Planning and Zoning; Amend and Reordain Stafford County Code, Section 22-131 "Security Requirements" of the Subdivision Ordinance Mr. Jeff Harvey, Director of Planning and Zoning gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Ms. Stimpson, to adopt proposed Ordinance O10-39.

The Voting Board tally was:

Yea: (7) Milde, Stimpson, Crisp, Sterling, Dudenhefer, Snellings, Woodson

Nay: (0)

## Ordinance O10-39 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 22-131, "SECURITY REQUIREMENTS"

WHEREAS, the Virginia Code was amended, amending the requirements for financial assurances prior to acceptance of public improvements as stated in Stafford County Code, Section 22-131; and

WHEREAS, the Board has considered the recommendations of staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of September, 2010, that Stafford County Code, Section 22-131, entitled "Security requirements," be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

## Sec. 22-131. – Security requirements.

- (b) Requests for periodic partial, or final complete, release of any security shall be submitted in writing by the subdivider or developer to the county's department of financial services public works upon completion of at least thirty (30) percent of any facilities required to be constructed hereunder, accompanied by a certification of such completion, under seal, by a duly licensed professional engineer or land surveyor. Three (3) periodic partial releases may be made within a twelve-month period.
- (c) Within thirty (30) days after receipt of a request for release, the department of financial services <u>public works</u> shall either grant the request or notify the requesting party in writing of the specific reasons why the request cannot be granted.
- (d) Partial releases shall be made up to an amount that is cumulatively equal to no less than ninety (90) percent of the original total cost of construction of the facilities for which security was required. in accordance with the Stafford County Security Policy, as amended.

State law references: Virginia Code §§ 15.2-2241 and 15.2-2245.

<u>Legislative</u>: Additions/Deletions to the Regular Agenda Mr. Sterling motioned, seconded by Mr. Crisp, to add Item 26 - Legislative; Appoint a Member to the Parks and Recreation Commission (Heidi Simpson, Rock Hill District); Item 27 - Legislative; Authorize the Chairman of the Board of Supervisors to Execute the Employment

Contract with Charles L. Shumate (Proposed Resolution R10-301); Delete two (2) sections of Item 9. Utilities; Condemnation and Exercise Quick Take Powers to Acquire Easements on Multiple Properties in Connection with the Falls Run Phase I Sewer Project - R10-167 (Public Hearing for JMC-IV Real Estate) and R10-170 (Public Hearing for Larry K. and Carole A. Garmon).

## The Voting Board tally was:

Yea: (7) Sterling, Crisp, Dudenhefer, Milde, Snellings, Stimpson, Woodson

Nay: (0)

## Legislative; Consent Agenda

Mr. Crisp motioned, seconded by Mr. Snellings, to adopt the Consent Agenda consisting of Items 12 thru 22.

## The Voting Board tally was:

Yea: (7) Crisp, Snellings, Dudenhefer, Milde, Sterling, Stimpson, Woodson

Nay: (0)

## Item 12. Legislative; Approve Minutes of the September 7, 2010 Board Meeting

## Item 13. Finance and Budget; Approve Expenditure Listings

## Resolution R10-292 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL) DATED SEPTEMBER 7, 2010 THROUGH SEPTEMBER 20, 2010

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of September 2010 that the above-mentioned EL be and hereby is approved.

#### Item 14. Human Resources; Authorize Recruitments

## Resolution R10-275 reads as follows:

## A RESOLUTION TO APPROVE RECRUITMENT OF FIVE (5) POSITIONS

WHEREAS, funding is available in the FY 2011 budget to fill the vacant positions; and

WHEREAS, vacancies exist for the following positions:

One (1) Senior Administrative Associate; Two (2) part-time Administrative Associates; One (1) Senior GIS Analyst; and One (1) Deputy County Attorney; and

WHEREAS, the positions have been deemed critical to the operation of County services;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of September, 2010, that the Board be and hereby does approve recruitment for the above mentioned positions.

# Item 15. Economic Development; Budget and Appropriate Base Realignment and Closure (BRAC) Grant Funds

## Resolution R10-293 reads as follows:

A RESOLUTION TO APPROPRIATE GRANT FUNDS FROM THE DEPARTMENT OF DEFENSE OFFICE OF ECONOMIC ADJUSTMENT'S GROWTH MANAGEMENT PLANNING ASSISTANCE GRANT TO THE DEPARTMENT OF ECONOMIC DEVELOPMENT

WHEREAS, Stafford County, acting as the fiscal agent of the Quantico Growth Management Committee (QGMC), was awarded \$1,022,196 in grant funds from the Department of Defense, Office of Economic Adjustment for Growth Management Planning assistance; and

WHEREAS, all of the funds are designated for expenses in FY11; and

WHEREAS, these funds are to be used in combination with a local match, of either existing budgeted funds or in-kind staff time, from the Transportation Fund and the Department of Economic Development to fund the QGMC staff and the QGMC priority project; and

WHEREAS, the project supports widening and construction of U.S. Route 1 from four to six lanes from Joplin Road in Prince William County to the intersection of Telegraph Road in Stafford County; and

WHEREAS, the QGMC staff facilitates collaboration among Quantico Growth Management Committee, Stafford County, Prince William County, Marine Corps Base Quantico, the Department of Defense, and other state and federal agencies on BRAC 2005 impacts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the day of , that the County Administrator be and he hereby is authorized to budget and appropriate funds awarded to Stafford County by the Department of Defense, Office of Economic Adjustment, in the amount of One Million Twenty-two Thousand One Hundred ninety-six Dollars (\$1,022,196); and to budget and appropriate Ninety Thousand Dollars (\$90,000), (Forty-five Thousand Dollars (\$45,000) each from Stafford and Prince William Counties) in local required match from the Transportation Fund to the General Fund, Economic Development category.

<u>Item 16. Sheriff; Budget and Appropriate DMV Grant Funds for the Enhanced Traffic</u>

<u>Safety Effort to Facilitate Public Safety</u>

### Resolution R10-281 reads as follows:

A RESOLUTION TO BUDGET AND APPROPRIATE DEPARTMENT OF MOTOR VEHICLES GRANT FUNDS TO THE SHERIFF'S BUDGET FOR THE STAFFORD COUNTY ENHANCED TRAFFIC SAFETY EFFORT TO FACILITATE PUBLIC SAFETY ON COUNTY ROADS

WHEREAS, the Sheriff's Office has recently been awarded funds for overtime for deputies to participate in the Click It or Ticket Mobilization, Over the Limit/Under Arrest and Checkpoint Strike Force Campaigns; and

WHEREAS, the Grant will pay for travel expenses for attendance at the DUI Conference; and

WHEREAS, the Grant will finance the purchase of radar and breath testing equipment for the Sheriff's Office; and

WHEREAS, the Sheriff's Office must provide an in-kind match of fuel and maintenance for County patrol vehicles which is available in the FY2011 Approved Budget;

NOW, THEREFORE, BE IT RESOLVED that by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of September, 2010, that Seventy Thousand Four Hundred Dollars (\$70,400) be and it hereby is budgeted and appropriated to the Sheriff's Office Budget.

Item 17. Public Works; Request Reimbursement from PRTC for Transportation Expenditures for the Fourth Quarter of FY2010

## Resolution R10-273 reads as follows:

A RESOLUTION TO REQUEST REIMBURSEMENT FROM THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION FOR TRANSPORTATION EXPENDITURES FOR THE FOURTH QUARTER OF FISCAL YEAR 2010

WHEREAS, the County budgeted funds in the FY2010 Transportation Fund for various programs, including professional services, street signs, road improvements, and transportation for social services clients; and

WHEREAS, the County expended \$29,440 for qualifying transportation related expenses for the fourth quarter of FY2010; and

WHEREAS, these funds can be reimbursed from the County Motor Fuels Tax Fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of September 2010, that the Potomac and Rappahannock Transportation Commission be and it hereby is requested to reimburse the County Twenty-nine Thousand Four Hundred Forty Dollars (\$29,440) from the County Motor Fuels Tax Fund.

Item 18. Reappoint Rev. Frederick Donahoe to the Department of Social Services (DSS)
Board

Item 19. Public Works; Petition VDOT to Include Lady Leigh Ann Lane, Sovereign Natalie Walk, and Empress Alexandria Place within Queens Guard Subdivision, Sections 1A, 1B, 1C, and 2; Goodwin Street within Skyline Hills Subdivision, Section 2B; Sapphire Street and Garnet Way within Cambridge Crossing Subdivision; and Blackjack Road within Taylor Bott Industrial Park, into the Secondary System of State Highways

#### Resolution R10-276 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE LADY LEIGH ANN LANE, SOVEREIGN NATALIE WALK AND EMPRESS ALEXANDRA PLACE WITHIN QUEENS GUARD SUBDIVISION INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Lady Leigh Ann Lane, Sovereign Natalie Walk and

Empress Alexandra Place within Queens Guard Subdivision into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected these streets and found them acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of September, 2010 that VDOT be and it hereby is petitioned to include the following streets within Queens Guard Subdivision into the Secondary System of State Highways:

Street Name/Route Number	<u>Station</u>	<u>Length</u>
Lady Leigh Ann Ln (SR-2082)	From: Int Cropp Rd (SR-615)	0.12 mi
	To: Empress Alexandra Pl (SR-2083)	ROW 50'
Lady Leigh Ann Ln (SR-2082)	From: Empress Alexandra Pl (SR-2083)	0.47 mi
	To: Empress Alexandra Pl (SR-2083)	ROW 50'
	Cul-de-sac	
Sovereign Natalie Walk (SR-2084	) From: Int Cropp Rd (SR-615)	0.22 mi
	To: Empress Alexandra Pl (SR-2083)	ROW 50'
Sovereign Natalie Walk (SR-2084	) From: Empress Alexandra Pl (SR-2083)	0.33 mi
	To: Empress Alexandra Pl (SR-2083)	ROW 50'
	Cul-de-sac	
Empress Alexandra Pl (SR-2083)	From: Lady Leigh Ann Ln (SR-2082)	0.32 mi
	To: Sovereign Natalie Walk (SR-2084)	ROW 50'
Empress Alexandra Pl (SR-2083)	From: Sovereign Natalie Walk (SR-2084)	0.61 mi
	To: Empress Alexandra Pl (SR-2083)	ROW 50'
	Cul-de-Sac	

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Queens Guard, Section 1A recorded in PB 33 PG 61-63 with Instrument number 99000756 on April 8, 1999, Queens Guard Section 1B recorded in Instrument number 010028431 on December 31, 2001, Queens Guard Section 1C recorded in PM 020000224 with Instrument number 020032406 on October 31, 2002 and Queens Guard, Section 2 recorded in PM 040000101 with Instrument number 040016778 on May 4, 2004; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and to the Acting Director of Transportation & Land Use/Area Land Use Engineer (North) at the VDOT Fredericksburg District Office.

#### Resolution R10-277 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF

TRANSPORTATION TO INCLUDE GOODWIN STREET WITHIN SKYLINE HILLS SUBDIVISION, SECTION 2B INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Goodwin Street within Skyline Hills Subdivision, Section 2B into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected this street and found it acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of September, 2010, that VDOT be and it hereby is petitioned to include the following street within Skyline Hills Subdivision, Section 2B into the Secondary System of State Highways:

Street Name/Route Number

Station

Length

Goodwin Street (SR-1906) From: Int Spotted Tavern Road (SR-614) 0.40 miles
To: Int Goodwin Street (SR-2199) Cul-de-Sac ROW 50'

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Skyline Hills Subdivision, Section 2B recorded in PM 050000224 with Instrument number 050039410 on October 3, 2005; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and to the Acting Director of Transportation & Land Use/Area Land Use Engineer (North) at the VDOT Fredericksburg District Office.

## Resolution R10-278 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE SAPPHIRE STREET AND GARNET WAY WITHIN CAMBRIDGE CROSSING SUBDIVISION INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Sapphire Street and Garnet Way within Cambridge Crossing Subdivision into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected these streets and found them acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of September, 2010 that VDOT be and it hereby is petitioned to include the following streets within Cambridge Crossing Subdivision into the Secondary System of State Highways:

Sapphire Street (SR-2198)	From: Int. Forbes Street (SR-627) To: Int. Garnet Way (SR-2199)	0.13 miles ROW 54'
	10. Int. Garnet way (SK-2199)	KOW 34
Sapphire Street (SR-2198)	From: Int. Garnet Way (SR-2199) To: Sapphire Street (SR-2198) Cul-de-Sac	0.11 miles ROW 50'
Garnet Way (SR-2199)	From: Int. Sapphire Street (SR-2198) To: Garnet Way (SR-2199) Cul-de-Sac	0.19 miles ROW 50'

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Cambridge Crossing, Section One recorded in PM 050000174 with Instrument number 050029369 on August 3, 2005 and Cambridge Crossing, Section Two recorded as PM050000303 with Instrument number 050050950 on December 27, 2005; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and to the Acting Director of Transportation & Land Use/Area Land Use Engineer (North) at the VDOT Fredericksburg District Office.

#### Resolution R10-279 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE BLACKJACK ROAD WITHIN TAYLOR BOTT INDUSTRIAL PARK INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Blackjack Road within Taylor Bott Industrial Park into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected this street and found it acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of September, 2010, that VDOT be and it hereby is petitioned to include the following street within Taylor Bott Industrial Park into the Secondary System of State Highways:

Street Name/Route Number	<u>Station</u>	<u>Length</u>
Blackjack Road (SR-2195)	From: Int. Jefferson Davis Highway (US-1)	0.13 miles
	To: Blackjack Road (SR-2195) Cul-de-Sac	ROW 60'

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Taylor Bott Industrial Park recorded in PM 040000094 with Instrument number 040015936 on April 28, 2004; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Developer and to the Acting Director of Transportation & Land Use/Area Land Use Engineer (North) at the VDOT Fredericksburg District Office.

Item 20. Sheriff / Public Works; Authorize a Public Hearing to Amend Stafford County Code, Chapter 15, Article III, Division 2, Entitled "Parking of Watercraft, Boat Trailers, Motor Homes, Camping Trailers, Commercial Vehicles, and Parking for Commercial Purposes on Public Highways"

## Resolution R10-295 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE, CHAPTER 15, ARTICLE III, DIVISION 2, ENTITLED "DESIGNATION OF RESTRICTED PARKING AREAS"

WHEREAS, Section 46.2-1222.1 and 46.21224 of the Code of Virginia (1950), as amended, authorizes the County to regulate or prohibit the parking on any public highway in the County, of any or all of the following: watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes; and

WHEREAS, the Board finds that regulating or prohibiting the parking of watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes on public highways serves the public health, safety, and welfare of the County and its citizens; and

WHEREAS, the Board adopted Ordinance O10-37, which established criteria for the designation of restricted parking areas where a fine could be levied; and

WHEREAS, the Cardinal Forest Homeowners Association has approved a resolution requesting the establishment of a restricted parking area within the Cardinal Forest Subdivision; and

WHEREAS, the proposed streets meet the established criteria to designate a restricted parking area;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of September 2010, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider amending and reordaining Stafford County Code, Section 15-56, entitled "Designation of Restricted Parking Areas", and designating a restricted parking area within the Cardinal Forest Subdivision.

# Item 21. Planning and Zoning; Authorize a Public Hearing to Amend and Reordain Stafford County Code Regarding Stormwater Concept Plans

#### Resolution R10-287 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING FOR AN AMENDMENT TO STAFFORD COUNTY CODE SECTION 21.5-1, "INTRODUCTION" AND SECTION 21.5-4, "STORMWATER MANAGEMENT PLANS"

WHEREAS, the Board desires to amend and reordain Stafford County Code Sections 21.5-1 and 21.5-4; and

WHEREAS, Stormwater Management Concept Plan approval is required prior to submitting a major site plan; and

WHEREAS, the Board desires to streamline the development process by eliminating the requirement of stormwater management concept plans for commercial developments; and

WHEREAS, the Board believes that public necessity, convenience, general welfare, and good zoning practices require adoption of the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of September, 2010, that the County Administrator be and he hereby is authorized to advertise a public hearing to amend and reordain Stafford County Code Sections 21.5-1 "Introduction," and 21.5-4 "Stormwater Management Plans."

Item 22. Planning and Zoning; Authorize a Public Hearing to Amend and Reordain Stafford County Code Regarding Fees for Development Applications

## Resolution R10-288 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO AMEND THE DEVELOPMENT APPLICATION FEES FOR SERVICES PROVIDED BY THE DEPARTMENT OF PLANNING AND ZONING, UTILITIES, AND PUBLIC WORKS

WHEREAS, the Board is authorized by the Code of Virginia to set reasonable fees and charges for the development review services provided by the Departments of Planning and Zoning, Utilities, and Public Works; and

WHEREAS, the Board acknowledges that the fees for these services should be current with the costs for the services provided by the County in reviewing and processing such applications; and

WHEREAS, the Board desires to set the fees for these services to be commensurate with the services provided by the County in reviewing and processing such applications;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21<sup>st</sup> day of September, 2010, that the County Administrator be and he hereby is authorized to advertise a public hearing to amend and reordain the Development Application Fees for Services provided by the Department of Planning and Zoning, Utilities, and Public Works.

<u>Planning and Zoning; Consider an Appeal Regarding a Technical Change for a</u> Preliminary Subdivision Plan for Embrey Mill

Mr. Snellings motioned, seconded by Mr. Woodson, to defer this item.

The Voting Board tally was:

Yea: (7) Snellings, Woodson, Crisp, Dudenhefer, Milde, Stimpson, Sterling

Nay: (0)

<u>Utilities</u>; <u>Authorize Pump and Haul Services at 19 Lorenzo Drive</u> Mr. Harry Critzer, Director of Utilities gave a presentation and answered Board members questions. The property owner, Mr. Michael Gustav, spoke about issues concerning his property.

Mr. Crisp motioned, seconded by Mr. Sterling, to defer this item to the October 5<sup>th</sup> Board meeting.

The Voting Board tally was:

Yea: (7) Crisp, Snellings, Woodson, Dudenhefer, Milde, Stimpson, Sterling

Nay: (0)

Legislative; Appoint a Member to the Parks and Recreation Commission

Mr. Sterling motioned, seconded by Ms. Stimpson, to appoint Heidi Simpson, Rock Hill District.

The Voting Board tally was:

Yea: (7) Sterling, Stimpson, Crisp, Snellings, Woodson, Dudenhefer, Milde

Nay: (0)

Legislative; Authorize the Chairman of the Board of Supervisors to Execute the Employment Contract with Charles L. Shumate

Mr. Sterling motioned, seconded by Ms. Stimpson, to adopt proposed Resolution R10-301.

The Voting Board tally was:

Yea: (7) Sterling, Stimpson, Crisp, Snellings, Woodson, Dudenhefer, Milde

Nay: (0)

## Resolution R10-301 reads as follows:

A RESOLUTION TO AUTHORIZE THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO EXECUTE THE EMPLOYMENT CONTRACT DATED SEPTEMBER 21, 2010 WITH CHARLES L. SHUMATE

WHEREAS, the Stafford County Attorney, Joseph L. Howard Jr., has announced his intention to retire; and

WHEREAS, the Board has conducted a thorough search to find a qualified individual to be appointed County Attorney for Stafford County; and

WHEREAS, the Board has agreed to appoint Charles L. Shumate as County Attorney, effective October 25, 2010; and

WHEREAS, satisfactory terms of an Employment Agreement between the Board and Charles L. Shumate have been negotiated; and

WHEREAS, the Employment Agreement provides for an initial salary of \$153,300 with an \$350 per month car allowance, and an annual contribution to Charles L. Shumate's 457 Deferred Compensation Plan in the amount of \$7,500;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 21st day of September, 2010, the Chairman be and hereby is authorized to sign the Employment Agreement dated September 21, 2010 with Charles L. Shumate to take effect October 25, 2010.

Adjournment At 8:30 P. M. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM County Administrator

Mark Dudenhefer Chairman

